

Reference	Respondent	Question	Response
<b>1 - Miscellaneous and General</b>			
MG1.1.22	The Applicant Portsmouth City Council	Does Portsmouth City Council accept that it would take responsibility for the maintenance of the proposed landscape planting at the landfall after 5 years of establishment, as suggested at 1.6.4.1 of the Outline Landscape and Biodiversity Strategy [APP-506]?	<p>Portsmouth City Council (PCC) would wish to contain control of all relevant parts of our land. Whether maintenance responsibility should sensibly pass to PCC would be dependent on whether that landscaping was on land retained by PCC or on land that has passed into the applicant's control or ownership. If the proposed landscaping was on land that has passed into the applicant's ownership PCC would not expect to be burdened with the maintenance of it but would expect an appropriate requirement to approve a landscaping scheme and require the applicant to maintain it to fulfil its amenity and other purposes.</p> <p>Where landscaping is proposed on land retained by PCC the Council would accept the responsibility for maintenance after 5 years of establishment but an appropriate commuted sum to be paid by the applicant ought to be required to cover the reasonable costs of doing so .</p>
		Does the Applicant have a fallback proposal if agreement was not reached?	N/A
MG1.1.26	The Applicant Environment Agency Portsmouth City Council	The proposed cable route includes a number of areas with known contamination issues, especially at Milton Common. Has the Applicant provided sufficient evidence to demonstrate that, should the cable be installed at these locations, contamination could be dealt with appropriately and in such a way that there would be no significant adverse effects on human health, the water environment or biodiversity?	<p>The Environmental Statement confirmed that data collection for the geoenvironmental survey(s) will be undertaken after the statement has been considered. A non-focused but useful ground baseline survey has been produced and submitted, but there is nothing new for PCC's Contaminated Land Team (CLT) to review since that time.</p> <p>The original sampling scheme for the baseline survey was based upon ease of access rather than targeted at locations more likely to have contamination. The desk study and testing along the cable run that has been provided was agreed to be updated following further collection of historical records. However, this has not yet been undertaken, and seems to have been deferred to D&amp;B contractor (to sub contract or maybe WSP will continue the assessment in some locations). At present the CLT do not know the approach that will be adopted.</p> <p>Once the ground assessments for the parcels of land are available, the PCC's CLT will be in a position to advise on each. The baseline report submitted is not a complete geo-environmental assessment of the various parcels of land that will comprise the cable run. The submission from Aquind has obtained historical reports for the main sites that the cable crosses but not all the parcels. This assessment was to be added to at a later stage, and now it is to be completed by a third party D&amp;B contractor subcontracting the work, and at a much later stage in the process than anticipated. This assessment will occur after tendering and hence money will have been allocated to tasks before those tasks are even known. This also means the survey is being undertaken close to when ground works will be occurring, and that in itself is likely to hinder the assessment and reduce options for mitigation, adding further constraints into the project.</p> <p>PCC considers that in terms of scope and standards achieved, the approach adopted to any other development should be applied here. This would mean that each of the areas of land that may be contaminated would be investigated following national standards prior to starting any ground works so that ground conditions were known before commencing works or appointing contractors. The amount of investigation and required testing would be decided upon by the desk study which ensures that effort is focused upon those areas needing testing and not on other areas, and so the approach is inherently always proportionate to the risk. The recommendations in Appendix 18.1 are <i>"Further targeted ground investigation after the submission of the Environmental Statement to further assess the risks to human health and</i></p>

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			<p><i>controlled waters along specific lengths of the route where elevated risks have been identified" (11.2.1.1) but we await this information. Initially all geoenvironmental records for 1km either side of the proposed routes were requested, which covered a substantial part of the city and disproportionate to the survey, but the current submission is based on very few records (apart from Milton Common). For the geoenvironmental survey it has now been deferred to a third party D&amp;B contractor to undertake or sub-contract. Without the assessment, PCC and its CLT cannot yet review the approach.</i></p> <p>At all locations where the cable crosses previously-used-land there should be a risk assessment carried out so that ground conditions and likely constraints are known before works commence. This information is clearly relevant to route option choices. It is understood that the contractor will be deciding which route option will be used and that all options will remain within DCO. It is understood that the tender process is imminent and it is therefore reasonable to assume that the standards being suggested for the geoenvironmental survey that will be undertaken have already been decided by the applicant, be in writing and described within the tender documents. PCC suggests that this information (excluding any commercially confidential matters) should be shared with the examination in order for any further assessment to be made as to whether the future survey will meet UK standards. In short, PCC would advise that the future submissions should follow <i>BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice'</i>, and national guidance 'LCRM': <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>).</p> <p>On an engineering project of this size, it may be felt that there is less need to assess localised contamination risks or to have an agreed remedial approach before undertaking ground works, but the reverse is true. Whilst the developer's own cable will be protected by its design, the cable run may act as a conduit for pollutants and it may leave the land it traverses in a poorer condition than before ground works. The linear nature of the scheme means the cable transects many parcels of land each with disparate histories and constraints. The impacts upon the land use both from disturbing the soil as well from potential contamination should be considered on a section by section, if not, site by site basis (even if it is only to discount any unusual risks). The risk assessment is required to ensure contamination is not brought to the surface thereby creating new exposures during or after construction. By crossing various areas of land the trenches may join those parcels together creating a conduit potentially allowing migration of mobile contaminants and ground gases between areas that previously were not connected. A Method Statement should also be in place to protect the areas of temporary usage within the order limits that will be used as a working area - degradation of the soil quality from compaction and by potentially contaminated arisings being stored on land can be avoided. The availability of any such document would allow review and improvements. In places, vulnerable or sensitive land, including surface cover soil on landfills, may require restoration or rehabilitation afterwards to return to its previous use. A general scheme will be appropriate for most locations, but where ground condition is suspect or vulnerable, additional measures should be documented for each area.</p> <p>In some areas Aquind have suggested route options and have now asked which option PCC would prefer. This dialogue, although restricted to considering variations in routes offered by Aquind is helpful to allow the local authority to feed into the process but under the terms of the DCO it will be the D&amp;B contractor that will be making the final decision.</p> <p>Every parcel of land with likely contamination along the route, that is vulnerable to degradation by being worked, or that is sensitive to restoration being achieved should be considered by Aquind. These start with the land-fall location itself and occur along the length of the cable run and must be subject to a geoenvironmental risk assessment.</p>

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			<p>Milton Common seems to be the only area that has been considered in more depth for geoenvironmental constraints. Milton Common is a harbour that has been filled with waste and remediated by the council in the 1990s for its current use for open public space. Aquind in its application acknowledges Milton Common's past and considers records but there is insufficient information as to how it will be traversed. Several route options are given, and the final route(s) will be decided after surveys later in the process. The options will need to be excavated without exposing the public to waste and remediate in a way that does not allow ground bulk gases to migrate along the disturbed cable route. 'Option 1' follows the coastal path and penetrates the landfill and flood defences. 'Option 2' follows the eastern road/ verge which is where the council has installed bulk gas protection to prevent gas migration. In the south west corner, two further options are available and both are likely to cross infilled land.</p> <p>Milton Common is the most obvious example of where land has been remediated for its current use. The intention is to trench either near the vent trench and/or through the landfill and bore through the coastal defences. PCC understands that the applicant has started desk study reviews of available records for several areas encountered by the route but the resulting information has not been made available. The ground condition for physically working this land will be difficult. Working on Milton Common will require practices that avoid compaction and poaching of the land; digging through its thin surface may be hampered, and then thereafter surface must be returned to usable public open space. The suggested working plan does not ensure this can happen.</p> <p>Whilst Milton Common is being discussed with PCC's CLT but the other areas have not yet been mentioned. Unless the records for each site are looked at, it is unknown whether the ground conditions are favourable or require consideration which is why the desk study should be updated along the cable length. As this area is public open space, PCC would want to ensure that storage on this area of land will not leave residual contamination.</p> <p>All previously-used-land must be risk assessed, and at the minimum the available records reviewed to understand their history and current usage with a view to vulnerability to contamination or disturbance (e.g. allotments, public space, previously worked soils etc.). These areas include the intended land-fall, land near Milton &amp; Eastney allotments (infilled land), Kendall's Wharf, Baffin's Field, Portsmouth University campus, as well as any locations identified from the untargeted sampling already undertaken by WSP in the original survey.</p> <p>Once the various risk assessments have been undertaken, it will only then be possible to review the risk assessments and in the interim PCC considers that the tendering brief being sent to contractors should be made available so as to ensure it covers adhering to the British Standard BS10175.</p> <p>The above shows that sufficient evidence is not as yet available to address contamination concerns in the identified areas. . As the route, including its options are a matter that has been with the applicant at least for some time this information could have been collected over the last year to allow impacts and risks already to be known. This however is not what appears to be the case.</p>

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<b>2 - Air Quality</b>			
AQ1.2.2	Portsmouth City Council	In relation to the Air Pollution SPD referred to by the Applicant in paragraph 23.2.3.7 of the ES [APP-138], what is expected of developments and against what criteria should a scheme be assessed?	<p><a href="https://www.portsmouth.gov.uk/ext/documents-external/pln-air-quality-spd.pdf">https://www.portsmouth.gov.uk/ext/documents-external/pln-air-quality-spd.pdf</a></p> <p>New development in the PCC area has to comply with Policy DC5 of the local plan review. This states that “New development will only be permitted where: (i) it would not cause unacceptable levels of air, noise, vibration, light, water or other pollution or otherwise cause unacceptable detrimental effects to the amenity of adjoining or nearby occupiers; (ii) the amenity of future occupiers or users of the proposed development is not adversely affected by existing or projected levels of air, noise, vibration, light, water or other pollution. New development should be laid out and designed to minimise, as far as possible, the impact of the above matters. Particular consideration will be given to the location of sensitive land uses, especially housing, in the context of the above.”</p> <p>Air quality is deemed to be a material planning consideration under the Town and Country Planning Act 1990 where any of the following apply :</p> <ul style="list-style-type: none"> <li>• A national air quality objective or an EU Limit Value may be exceeded for the first time on a specific site if a development is permitted.</li> <li>• The level of exceedance over a national air quality objective or an EU Limit value will be made significantly worse if a development is permitted.</li> <li>• The concentration of an air pollutant for which a national air quality objective or an EU Limit Value has been prescribed will approach an exceedance such that other developments in the area might be prevented.</li> <li>• The number of people potentially exposed to exceedances of national air quality objectives or EU Limit values is increased if a development is permitted.</li> <li>• To grant permission for the development would lead to a conflict with measures that the Council intends to include in its Air Quality Action Plan (or Local Transport Plan), thus rendering any improvement in air quality unworkable.</li> </ul> <p>Appendix B of the SPD lists those types of developments where Air Quality may be a material consideration (see below):</p>

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			<p><b><u>APPENDIX B: LIST OF DEVELOPMENT TYPES TO INDICATE IF AIR QUALITY MAY BE A MATERIAL CONSIDERATION</u></b></p> <table border="1" data-bbox="1338 268 2451 1062"> <thead> <tr> <th data-bbox="1338 268 2288 327">Type of proposals</th> <th data-bbox="2288 268 2451 327">Tick if applicable</th> </tr> </thead> <tbody> <tr> <td data-bbox="1338 327 2288 386">1. Processes governed by the Pollution Prevention and Control (PPC) regime.</td> <td data-bbox="2288 327 2451 386"></td> </tr> <tr> <td data-bbox="1338 386 2288 474">2. Sensitive development located in an area of poor air quality (AQMA or other area in excess of the Air Quality Objectives or limits) as identified in the latest review and assessment report</td> <td data-bbox="2288 386 2451 474"></td> </tr> <tr> <td data-bbox="1338 474 2288 506">3. Sensitive development close to existing prescribed processes</td> <td data-bbox="2288 474 2451 506"></td> </tr> <tr> <td data-bbox="1338 506 2288 764">4. Proposals with potential to significantly change road traffic characteristics on any busy roads (those in excess of 10,000 vehicles per day) in the City or any roads in AQMAs. Significant changes include: <ul style="list-style-type: none"> <li>o Change in traffic volumes for example 5% (AADT or peak)<sup>1</sup>,</li> <li>o Change in average vehicle speed or significant increase in congestion (+/-10kph).</li> <li>o Significant increase in the percentage of HDVs (includes HGVs and buses and coaches)</li> </ul> </td> <td data-bbox="2288 506 2451 764"></td> </tr> <tr> <td data-bbox="1338 764 2288 823">5. Proposals that introduce or increase car parking facilities by 300 spaces or more.</td> <td data-bbox="2288 764 2451 823"></td> </tr> <tr> <td data-bbox="1338 823 2288 854">6. Proposals forming part of a major phased re-development of an area</td> <td data-bbox="2288 823 2451 854"></td> </tr> <tr> <td data-bbox="1338 854 2288 886">7. Proposals with particularly extensive development phases</td> <td data-bbox="2288 854 2451 886"></td> </tr> <tr> <td data-bbox="1338 886 2288 917">8. Proposals close to ecological sites or SSSI.</td> <td data-bbox="2288 886 2451 917"></td> </tr> <tr> <td data-bbox="1338 917 2288 976">9. Proposals that will enclose busy roads and reduce dispersion of pollutants</td> <td data-bbox="2288 917 2451 976"></td> </tr> <tr> <td data-bbox="1338 976 2288 1008">10. Proposals that alter significantly the road network.</td> <td data-bbox="2288 976 2451 1008"></td> </tr> <tr> <td data-bbox="1338 1008 2288 1062">11. Proposals that may interfere with the Local Transport Plan air quality actions</td> <td data-bbox="2288 1008 2451 1062"></td> </tr> </tbody> </table> <p data-bbox="1299 1087 2769 1220">Appendix C of the SPD is a guidance note for developers regarding the preparation of an air quality assessment. It is PCC's view that the above is an important and relevant consideration under s.104 of the Planning Act 2008 and should be applied to the Aquind DCO scheme.</p>	Type of proposals	Tick if applicable	1. Processes governed by the Pollution Prevention and Control (PPC) regime.		2. Sensitive development located in an area of poor air quality (AQMA or other area in excess of the Air Quality Objectives or limits) as identified in the latest review and assessment report		3. Sensitive development close to existing prescribed processes		4. Proposals with potential to significantly change road traffic characteristics on any busy roads (those in excess of 10,000 vehicles per day) in the City or any roads in AQMAs. Significant changes include: <ul style="list-style-type: none"> <li>o Change in traffic volumes for example 5% (AADT or peak)<sup>1</sup>,</li> <li>o Change in average vehicle speed or significant increase in congestion (+/-10kph).</li> <li>o Significant increase in the percentage of HDVs (includes HGVs and buses and coaches)</li> </ul>		5. Proposals that introduce or increase car parking facilities by 300 spaces or more.		6. Proposals forming part of a major phased re-development of an area		7. Proposals with particularly extensive development phases		8. Proposals close to ecological sites or SSSI.		9. Proposals that will enclose busy roads and reduce dispersion of pollutants		10. Proposals that alter significantly the road network.		11. Proposals that may interfere with the Local Transport Plan air quality actions	
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		Has an independent assessment been made against the SPD? The ES [APP-138] states that the effect on air quality would be 'negligible beneficial'. It reaches this conclusion by weighing totalled receptor deteriorations against totalled receptor improvements.	Whilst assessment of air pollution impacts has been undertaken this has not been undertaken per the assessment approach set out in the SPD. Chapter 23.2.3.9 of the ES notes "The Air Pollution SPD outlines the requirement for an air quality assessment where a development may have an effect on local air quality.....however does not go into detail on the required level of assessment." This level of detail is however clearly set out in Appendix C of the SPD.																								
		Does Portsmouth City Council believe that this is a suitable approach and conclusion?	<p data-bbox="1299 1507 2769 1640">This is not a suitable approach or conclusion due to two considerations. Firstly, the Air Quality SPD states "All relevant sensitive receptors should be identified and represented...in relation to the modelled domain for all scenarios considered." Therefore it is not considered appropriate in terms of the assessment to provide a summary of receptors.</p> <p data-bbox="1299 1675 2769 1875">Secondly, the ministerial directions issued to PCC require that air quality in the city is improved in the 'shortest possible time', ensuring that exceedances are not indicated at any of the receptors shown on DEFRA's PCM model. Given that this direction requires compliance at each of these individual locations it is not considered acceptable to provide an average impact based on totalled receptor deteriorations against totalled receptor improvements. Impacts of the proposed developed on each of the receptors must be considered on its own merits in order for PCC to ensure that compliance with the ministerial directions are achieved.</p>																								

Reference	Respondent	Question	Response
			It is considered that the ministerial directions referred to in more detail below are in themselves important and relevant consideration under s.104 of the Planning Act 2008.
		Has the Applicant demonstrated through evidence that the Proposed Development would not adversely affect air quality or cause a failure to meet air quality objectives in the City?	PCC does not consider it can be confirmed through the evidence provided that the proposed development would not adversely affect air quality due to the uncertainty in the modelling. From the evidence provided it is not clear what level of certainty the transport and air quality model provides and the assertion is made that "Although no new exceedances of the objectives are predicted, such are the limitations in the modelling process, it cannot be determined with certainty that an exceedance of the NO <sub>2</sub> annual mean objective will not occur as a result of diverted traffic." This is clearly insufficient for the ExA's purposes under the 2008 Act.
AQ1.2.4	The Applicant	Can you fully explain the requirements of the air quality Ministerial Directives relating to parts of the Portsmouth City Council area in terms of levels, timescales, and so on?	<p>On 26 July 2017, the government published the UK plan for tackling roadside nitrogen dioxide (NO<sub>2</sub>) concentrations ('the UK Plan'). This set out how the government would bring the UK NO<sub>2</sub> concentrations within the statutory annual limit of 40 micrograms per cubic metre (µg/m<sup>3</sup>) in the shortest possible time.</p> <p>As part of the UK Plan, the government set out how 28 local authorities (first and second wave local authorities) with the most severe NO<sub>2</sub> exceedances<sup>1</sup> should develop local plans to implement measures to achieve compliance with statutory NO<sub>2</sub> limits (set out in the Ambient Air Quality Directive) within the shortest possible time.</p> <p>On 5 October 2018, the government published a supplement to the UK Plan, setting out conclusions for each of the 33 'third wave' local authorities<sup>2</sup>, based on Targeted Feasibility Studies undertaken for each of these authorities (ministerial direction 1). The supplement identified eight local authorities with more persistent long-term exceedances. Portsmouth is one of the eight authorities falling into this category.</p> <p>Under the terms of the Environment Act 1995, the government has issued a Ministerial Direction to this group of local authorities. <b>This Direction requires these local authorities to develop a local plan to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the shortest possible time (ministerial direction 3).</b></p> <p><b>Ministerial Direction 1 (March 2018):</b> Required the Council to develop a Targeted Feasibility Study (TFS) by 31 July 2018 for two specified road links in the city: A3 Mile End Road and A3 Alfred Road. These two roads were selected as they were projected to have nitrogen dioxide (NO<sub>2</sub>) exceedances in Defra's national PCM model.</p> <p><b>Ministerial Direction 2 (October 2018):</b> Following the results of the TFS, PCC were issued with a further Ministerial Direction in October 2018, this time to undertake a bus retrofit programme. The Ministerial Direction stipulated that the programme should be undertaken as quickly as possible with the purpose of bringing forward compliance with legal levels of NO<sub>2</sub> on A3 Mile End Road and A3 Alfred Road.</p> <p><b>Ministerial Direction 3 (October 2018):</b> The third Ministerial Direction required PCC to produce an Air Quality Local Plan to set out the case for delivering compliance with legal limits for NO<sub>2</sub> in the shortest possible time. The Outline Business Case for this Plan was submitted in October 2019.</p> <p><b>Ministerial Direction (March 2020):</b> The fourth Ministerial Direction required PCC to implement a Class B charging Clean Air Zone, and supporting measures, in Portsmouth as soon as possible and in time to bring forward compliance with legal limits for nitrogen dioxide to 2022.</p>

<sup>1</sup> Based on DEFRA Pollution Climate Mapping (PCM) model outputs, these authorities were forecast to exceed legal NO<sub>2</sub> limits in 2020.

<sup>2</sup> Identified in the UK Plan as having shorter-term NO<sub>2</sub> exceedances with projected compliance with legal limits by 2021.

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			<p><b>Levels and areas covered:</b></p> <p>The ministerial directions require that PCC "must take steps to implement the local plan for NO<sub>2</sub> compliance for the areas for which it is responsible." Therefore in practice although the two exceedance locations on the A3 have been identified as 'in exceedance' in the PCM model and are the focus for intervention, the Air Quality Local Plan considered the whole city. As such exceedances in any areas for which PCC are responsible should not be accepted. To be considered in exceedance of the relevant limitations, NO<sub>2</sub> concentrations would need to be projected to be above 40.49 µg/m<sup>3</sup> as an annual average.</p>
		Can you explain the mitigation measures that are being pursued by the Council at present to achieve these aims, and comment on any implications of the Proposed Development for the Directives and for the Council's proposed measures?	<p>Class B charging Clean Air Zone (CAZ) is to be introduced in Autumn 2021.</p> <p>This will charge the most polluting buses, coaches, taxis, private hire vehicles and taxis driving within the CAZ.</p> <p>The CAZ will be located in the south western part of Portsea Island, so although the area impacted by the proposal is not within the CAZ there is potential for additional traffic to route along Eastern Road to avoid the CAZ which may have a knock on effect on numbers of vehicles within the AQMA.</p>
AQ1.2.8	The Applicant Portsmouth City Council	In relation to the assumptions made when re-assigning traffic during construction works in Air Quality Management Area 9 at Eastern Road [APP-138], is it likely that vehicles would not divert but would instead wait at the traffic lights operating for the single lane closures with engines idling, leading to a deterioration in air quality rather than improving it as suggested in the ES?	<p>Chapter 22- Traffic and Transport confirms that delay due to temporary traffic management in construction has been accounted for through using LinSig 3 and traffic data from the 2026 DS scenarios. Any increase in engine idling and resulting air pollution appears to be captured in the modelling due to the inclusion of delay. However, the emissions produced from vehicles that would be idling due to temporary traffic management have been taken from EFT 9.0 which provides assumptions about the future emissions quality of the national vehicle fleet. Local data suggests that the local vehicle fleet is not likely to renew as quickly as EFT 9.0 would suggest and therefore in practice the impact of any vehicle idling is likely to be higher than the modelling suggests.</p> <p>This level of uncertainty about impacts of changes in traffic flows is captured in Chapter 23 (23.6.4.119) which states "Although no new exceedances of the objectives are predicted, such are the limitations in the modelling process, it cannot be determined with certainty that an exceedance of the NO<sub>2</sub> annual mean objective will not occur as a result of diverted traffic."</p> <p>It is noted that the primary traffic model used was SRTM, supplemented with localised junction modelling. The scale used for SRTM is not likely to be sensitive to small changes in traffic slows/ delay due to temporary traffic management, therefore impacts are likely to be underestimated in the modelling. This concern is address in the mitigation outlined in Chapter 23- Air Quality which notes "During peak times the signals will be manually adjusted to ensure delays are kept to a minimum" however the impact of this construction work and other work that might be taking place concurrently on the local highway network has not been taken into account. It is therefore essential that queuing of traffic/ delay is kept to a minimum to reduce deterioration of air quality- this could be aided through use of the PCC permit system for road space booking.</p> <p>Many of the diversion routes have been informed by the SRTM (strategic modelling), this predicts the next most equitable route for drivers (time/speed/ or both) although doesn't contain many minor roads that may see some uplift in flows. Local drivers may well know the alternative routes but others will prefer to stay on the main route regardless.</p> <p>The premise is that there will be traffic lights operating for the single lane closures within AQMA 6 (although shuttle signals should not be necessary at Eastern Rd as it is has sufficient carriageway to retain at least one lane in either direction (as per FTMS)). The shuttle signals required along single-lane carriageways which will have greater impact on air quality are typically further removed from the AQMA.</p>

Reference	Respondent	Question	Response
<b>3 - Compulsory Acquisition</b>			
CA1.3.41	The Applicant Statutory Undertakers	Has any contact been made with the following Statutory Undertakers to consult over and agree protective provisions? (Appendix B of the Statement of Reasons [APP-022] refers.)	The Applicant issued PCC draft Protective Provisions to "replace Requirement 19 of the draft DCO which relates to the approval of traffic management strategies" on 8 July 2020.
		If so, what are the current positions of the Applicant and each of the following. If not, why not?	<p>PCC does not consider it is its responsibility to consult with the statutory undertakers in respect of the DCO protective provisions rather this is the responsibility of the applicant.</p> <p>PCC as the LHA objects to the acquisition of the subsoil of the highway which may lead to conflict with the discharge of its duties as LHA and a statutory undertaker</p> <p>PCC has reviewed the draft Protective Provisions and will revert shortly to the Applicant. In brief, PCC does not agree to the provisions for deemed approval. Instead, a lack of response should lead to deemed refusal (as seen in the Thames Tideway Tunnel DCO). The drafting overreaches by seeking to give the undertaker too much discretion and judgement over interventions in the highway. The same provisions lack precision. The Council will revert to the Applicant to continue these discussions.</p>
		If agreement has not been reached on protective provisions, what is the envisaged timescale for such an agreement? i) ESP Utilities Group Ltd. ii) GTC Infrastructure Ltd (GTC Electricity). iii) GTC Infrastructure Ltd (GTC Gas). iv) Hampshire County Council. v) National Grid Electricity Transmission plc. vi) Portsmouth City Council. vii) Southern Water Services Ltd – Sewers. viii) SSE PLC (Gas).	
CA1.3.64	Environment Agency Relevant local authorities	At section 20.9.2 [APP-135] and elsewhere, the ES notes that the contractor appointed to undertake the construction works would need to apply for various environmental permits, discharge and other consents once detailed design is complete. Given that such applications have not been made, the Examining Authority and Secretary of State cannot be sure from the information provided if adequate avoidance or mitigation of environmental effects are possible, and therefore if all of these consents are achievable. Could the Environment Agency and the relevant local authorities with responsibilities in this area please provide an opinion on the likelihood of all such permits and consents being achieved.	A number of further and dependent consents (e.g, building regulation approval, ordinary watercourse consent etc.) are required to support the applicant's development. PCC share the examining authority's opinion that there is no certainty that adequate information has been provided to demonstrate adequate avoidance or mitigation of environmental effects. However PCC are of the opinion that securing the relevant permits and consents is in principle achievable as most are technical in their nature and with further negotiation solutions are likely to be identifiable. What PCC is unable to provide reassurance of however is whether the necessary further negotiated solutions with permitting and consent authorities will not result in matters that result in further environmental considerations or impacts beyond that currently described in the DCO application. The applicant's decision to leave these matters for a future contractor results in a significant uncertainty that would need to be accommodated within the DCO requirements to ensure any likely variation or mitigation to meet the requirements for subsequent consents can be confidently secured without material amendment to the DCO.



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CA1.3.106	Portsmouth City Council	For each of the alternative cable routes shown in the application at the locations listed below, which route would the Council prefer to see utilised, or have the least objection to, and why?	Of the options presented, neither of which are ideal, PCC would prefer the cable to run through the carpark immediately south of Portsdown Hill Road in order to minimise disturbance to a busy road. Whilst this would result in development on open space it is considered that this would be preferable to highway disruption.
		i) Portsdown Hill Road (Statement of Reasons [APP-022] paragraph 5.3.8);	
		ii) Farlington Avenue (Statement of Reasons [APP-022] paragraph 5.3.9);	PCC, subject to the caveat above, would prefer the cable to run along Farlington Avenue to Havant Road. The alternative route past the Solent Infant School would cause disruption and inconvenience as well as pose health and safety risks to teachers, staff, pupils and parents and other visitors to the school. In addition the southbound route would pass the 70 <sup>th</sup> Portsmouth Sea Scouts causing disturbance and loss of amenity to their operation.
		iii) Zetland Field (Statement of Reasons [APP-022] paragraph 5.3.10);	Running the cable through Zetland Field does have merit in terms of minimising disturbance to the highway and also minimising the risk of damaging the root protection areas (RPAs) of the important street trees that screen Zetland Field from Eastern Road. However Zetland Field is designated Special Category Land - Open Space and represents a valuable open space asset so if there was an option to HDD this section that might be preferable.
		iv) the Baffins Milton Rovers FC pitch (Statement of Reasons [APP-022] paragraph 5.3.1 - paragraph numbering out of sequence);	The route along the west side of the Baffins Milton Rovers FC pitch is characterised by a belt of mature trees screening the pitch from the Eastern Road. And whilst there would appear to be sufficient verge for the required works, this would only be viable if adequate tree protection were in place. The route to the east via the Tudor Sailing Club would cause disruption to their activities and would also disrupt the operation of the cricket pitch and football pitch located there. As such provided that disturbance to trees was minimised PCC preferred route and the more direct one would be to the west of the Baffins Rovers pitch.
v) Milton Common (Statement of Reasons [APP-022] paragraph 5.3.4 - paragraph numbering out of sequence);	<p>PCC recognises that some flexibility is desirable should any ground investigations find that the conditions are unsuitable for the development. However, this unknown should not exist at the start of works and as set out above could have been addressed earlier.</p> <p>The lighter coloured route is preferable in PCC's view (as advised by CLT) as it avoids areas of land that the council has remediated. Even that shorter route passes across the original infilled channel and will need consideration. If the Aquind process offered equivalent protection to a planning permission, then their investigation prior to starting any works (desk study and testing) would mean they should know site conditions before they commenced any works (that's why DCLG template conditions suggested such assessment is a pre-commencement condition, and is often required for validation of the permission by the council).</p> <p>PCC has yet to receive the updated desk study and testing along the entire cable route as the original testing was for ease of access rather than focused upon likely contaminated locations. Whilst the question of 'which route would the Council prefer to see utilised' is seemingly innocuous, it obscures the fact that Aquind should have assessed the routes and be demonstrating which route is the safest route to the local authority. PCC therefore does not consider it fair or reasonable to make a determined choice in such circumstances in the absence of sufficient important information.</p> <p>The Milton Common is a harbour that has been filled with waste and after investigations in the 1990s and was remediated by the council for its current use for open public space. The Aquind submission acknowledges that it is a landfill, but has not provided information on how they would excavate without exposing the public to waste or remediate in a way to not allow ground bulk gases to migrate along the disturbed route.</p>		

Reference	Respondent	Question	Response
		vi) Moorings Way and Eastern Avenue (Statement of Reasons [APP-022] paragraph 5.3.5 - paragraph numbering out of sequence);	Given that Eastern Avenue serves a fairly dense residential area, the logical route would be across the southern edge of Milton Common. However this would need to be assessed against the risks associated with disturbing the former landfill site on Milton Common (for which see earlier).  With regard to Moorings Way, the route that would cause the least disturbance would be that immediately north of the highway boundary.
		vii) the University of Portsmouth Langstone Campus (Statement of Reasons [APP022] paragraph 5.3.6 - paragraph numbering out of sequence);	PCC would support the route to the east of the site, avoiding Furze Lane and sufficiently separated from the existing previously developed part of the site to minimise future conflict from maintenance access. This is to ensure the access through and too the site is maintained along Furze Lane and to ensure the utilisation and any future alterations to the site are impacted in the minimum way.
		viii) and Bransbury Park (Statement of Reasons [APP-022] paragraph 5.3.2 - paragraph numbering out of sequence).	Running the cables through Yeo Court and along the back (southern boundary) of Kingsley Court would cause least disturbance to local residents, provided that construction hours were stipulated and adhered to.
CA1.3.108	Portsmouth City Council	For each of the alternative cable routes shown in the application at the locations listed below, what are the Council's views on whether the regulation provided by dDCO [APP-019] Requirement 6(2), together with the addition of an article similar to Article 19(5) and a requirement similar to Schedule 1 Part 3 Requirement 12 at Appendix D of the Examining Authority's Recommendation Report for the Thanet Extension Offshore Wind Farm Nationally Significant Infrastructure Project Examination document [REP8-013] <a href="#">Link 1</a> <a href="#">Link 2</a> would provide sufficient clarity at an appropriate time in respect of the chosen cable route, notwithstanding any other concerns that the Council may have?	<ol style="list-style-type: none"> <li>1. With regard to the issue raised by the Examining Authority ('ExA') in this question as to what may or may not be "<b>the appropriate time</b>" for clarity to be provided as to which route this proposed DCO should take, Portsmouth City Council ("PCC")'s principal position (other than objection) remains that the appropriate time to identify the location of the actual development and to be clear that land the applicant asks to be granted powers to compulsorily acquire is in fact the minimum necessary is now, during the examination period (and is very concerned that this was not achieved prior to the application being submitted earlier). PCC finds the applicant's continued insistence on seeking to postpone fundamental details of the scheme which dictate the breadth of land-take until after the examination process and the appointment of contractors as unimpressive and certainly not in accordance with the spirit if not the letter of the Planning Act 2008 procedure. This has meant that the extent of the Order Limits have evidently been drawn too widely and on a fundamental basis cannot be justified as 'required' for the project. To be clear this goes far beyond issues about the limits of deviation but instead is about giving the applicant carte blanche to have a wide choice of power as to where it ultimately constructs its scheme.</li> <li>2. Setting that fundamental concern aside the ExA's question raises 2 issues: the appropriate time to settle the route and the appropriate time to commit to the nature of the works (Horizontal Directional Drilling ("HDD") vs. trenching)</li> <li>3. With regard to <b>Aquind dDCO Requirement 6(2)(c)</b> - "indicative" locations are unacceptable in PCC's view if the undertaker is commencing works. These locations should be clearly proposed and then confirmed prior to commencement, with any variation being justified for truly exceptional reasons if a location is discovered to be technically unworkable or turns out to be undesirable for any other reason.</li> <li>4. The ExA asks whether a similar article to <b>Thanet draft DCO Art 19(5)</b> would be acceptable in this instance. Art 19 of the Thanet draft DCO contemplated compulsory granting acquisition of rights over only 1 of 2 options of land parcels. Notwithstanding PCC's general objection to acquisition of its land, in principle this approach is acceptable to PCC if the ExA is minded to grant the Aquind DCO provided that any such article is expanded to ensure that the Secretary of State consults with PCC to take account of any concerns or comments regarding the proposed route, and that the Secretary of State is required to authorise the route selection prior to the works being implemented, not merely "to notify". However, unlike the Thanet draft DCO the drafting of any Aquind DCO will need to reflect that there is a whole series of largely binary options at various points on the route, which options are loosely defined as well as not even being binary around Milton Common and Moorings Way. It is noted that the Thanet draft DCO contained a Schedule 5 clearly applying particular rights to particular plots; this would be of</li> </ol>

Reference	Respondent	Question	Response
			<p>value to all parties. By contrast, the Aquind draft DCO articulates these crucial details by reference to the Book of Reference and Land Plans. This, and the comments that follow regarding specific options, underscore the need for the applicant to undertake further work to subdivide the land parcels, describe routes precisely and specify the rights it is seeking on those parcels. This will enable the route option(s) not taken forward to be removed from the Book of Reference and Land Plans, and ensure land is not unnecessarily (statutorily) blighted.</p> <p><b>5. With regard to the imposition of a requirement similar to Thanet draft DCO Requirement 12</b> PCC considers again that the circumstances presented here do not compare well with those at Thanet. Requirement 12 of the draft Thanet DCO prohibits commencement until the relevant planning authority has been notified of the selected option of <i>Works</i> (i.e. HDD vs. trenching). The question here though relates to the methodology ie use of HDD drilling. PCC's view is that HDD drilling should be required (and not rendered optional) wherever possible and this can be determined through the examination. For example, in relation to allotment land at parcel 10-14 a prohibition on trenching is in PCC's view proportionate in order to respect the status and social value of the allotment land. If the New Connection Works Rights proposed at this location as well were expressed with more precise sub-categories (as the Statement of Reasons suggests might be intended over certain parcels) rather than in the broad-stroke terms of the Book of Reference and in a fashion akin to Schedule 5 of the Thanet draft DCO, PCC could be more readily comforted that approaching this on a on a parcel-by-parcel basis meant the rights of those with an interest in the land would be respected with the minimum level of interference.</p>
		<p>i) Portsdown Hill Road (Statement of Reasons [APP-022] paragraph 5.3.8);</p>	<p><i>Option 1 (Portsdown Hill Road) parcels 6-08, 6-09, 6-11 &amp; 6-12.</i>  <i>Option 2 (Part of Portsdown Hill Road, through the car park immediately south of Portsdown Hill Road, before continuing south-east down Farlington Avenue) parcels 6-08, 6-09, 6-10 (special category) &amp; 6-12.</i></p> <ol style="list-style-type: none"> <li>1. PCC's view is that the applicant must justify the extent to which, if at all, 6-11 is necessary for Option 2 to connect 6-15 to 6-10 (special category). The interference sought by Aquind with the land should be kept to a minimum in order to be justified.</li> <li>2. PCC considers that parcel 6-09 must be subdivided to reflect Option 2 as a proportionate minimum amount of land-take.</li> </ol>
		<p>ii) Farlington Avenue (Statement of Reasons [APP-022] paragraph 5.3.9);</p>	<p><i>Option 1 (the full length of Farlington Avenue to Havant Road, turning east along Havant Road before continuing south via Eastern Road) (parcels 6-19 &amp; 7-01)</i>  <i>Option 2 (cable turns east off Farlington Avenue along Eveleigh Road before turning south via the area of open land [not special category land] between Eveleigh Road and Havant Road, and then turning west to join Eastern Road at the junction with Havant Road) (parcels 6-19, 6-21, 6-22 &amp; 7-01)</i></p> <ol style="list-style-type: none"> <li>1. PCC queries why parcel 6-19 is not divided at the junction with Eveleigh Road so that in the event Option 2 is selected the undertaker does not receive an excess of land south of that junction which is not clearly required.</li> <li>2. Similarly, PCC queries why parcel 7-01 could not be divided between east and west to respect the alternate route options. This parcel appears excessive in either case for the extent of works.</li> <li>3. As presently drafted, Option 2 will automatically incorporate all parcels required for Option 1 due to a lack of granular parcel allocation. The purpose of Option 2 clearly must be to reduce the overall land-take to the proportionate minimum required; presently it secures 2 different options, contrary to the Statement of Reasons (5.3.9) intending to seek only "one of two options". The applicant must address this.</li> </ol>

Reference	Respondent	Question	Response
		iii) Zetland Field (Statement of Reasons [APP-022] paragraph 5.3.10);	<p><i>Option 1 (Eastern Road) (Parcels 7-03 &amp; 7-09)</i>  <i>Option 2 (Zetland Field and Fitzherbert Road) (Parcels 7-03, 7-04, 7-05, 7-06, 7-07, 7-08 &amp; 7-09)</i></p> <ol style="list-style-type: none"> <li>1. PCC considers that Option 2 would need to incorporate part only of 7-03 to facilitate the cable from 7-02 to 7-04.</li> <li>2. Option 2 also needs to be refined to clarify which parcels of 7-05, 7-07 &amp; 7-08 would be required and which can be excluded.</li> <li>3. As presently drafted, Option 2 will automatically incorporate all parcels required for Option 1 due to a lack of granular parcel allocation. The purpose of Option 2 must be to reduce the overall land-take to the proportionate minimum; presently it secures 2 different options, contrary to the Statement of Reasons (5.3.10). The applicant must address this.</li> </ol>
		iv) the Baffins Milton Rovers FC pitch (Statement of Reasons [APP-022] paragraph 5.3.1 - paragraph numbering out of sequence);	<p><i>Option 1 (along the west side of the pitch used by the Baffins Milton Rovers FC, through the cricket pitch and the southern football pitch across the car park and into Eastern Road) Parcel 8-03 (Special Category).</i>  <i>Option 2 (east of the pitch used by the Baffins Milton Rovers FC through a yard used by Tudor Sailing Club before running in a south westerly direction across the southern part of the cricket pitch and the west side of the southern football pitch across the car park and onto Eastern Road) Parcel 8-03 (Special Category).</i></p> <ol style="list-style-type: none"> <li>1. With regard to these 2 options, as presently drafted, both are reliant on the same large parcel of special category land, namely parcel 8-03.</li> <li>2. PCC considers it is not satisfactory that a more detailed parcel allocation has not been made to reflect the routes described in the Statement of Reasons by this point. The applicant must address this or else the Order could in effect permit both options simultaneously, which would clearly not be proportionate.</li> </ol>
		v) Milton Common (Statement of Reasons [APP-022] paragraph 5.3.4 - paragraph numbering out of sequence);	<p>vi) Milton Common presents a large number of potential routing options and combinations, which again are not aided by the lack of detailed parcel allocations.</p> <p>vii) Although the Statement of Reasons states a preference for the route to pass through Milton Common, it is noted that only the carriageway route is assumed to be viable, and acknowledges that the 2 routes through Milton Common are dependent on favourable ground condition surveys (5.3.3-5.3.5). None of the 3 broad routes are precisely defined, and even the Eastern Road carriageway route could comprise solely of carriageway or a combination of carriageway and verge.</p> <p><i>Option 1 (through Eastern Road carriageway) Parcel 9-02</i>  <i>Option 2 (through Eastern Road verge adjacent to carriageway where possible, then carriageway) Parcels 9-02 &amp; 9-04</i>  <i>Option 3 (through Eastern Road carriageway entering Milton Common adjacent to East Shore Way and along the western edge of Milton Common to Moorings Way) Parcels 9-02, 9-04, 9-06 (special category)</i>  <i>Option 4 (entering Milton Common special category land at the earliest opportunity from Eastern Road and running south on the eastern side of Milton Common to Moorings Way) Parcels 9-01 (special category), 9-02 &amp; 9-06 (special category)</i></p> <p>viii) It will be seen from the above that parcels 9-02 and 9-06 (special category) require subdivision to detail and mature routing discussions. In particular, Option 4 would require a subdivision of 9-02 adjacent to the northern edge of 9-06 (special category) to avoid the inclusion of the vast remainder of Eastern Road to the south-west. The need to sub-divide 9-06 to reflect the eastern and western routes across Milton Common proposed in the Statement of Reasons should be self-evident (and 9-06's relevance to providing land adjacent to the carriageway of Moorings Way should also be considered under vi)).</p>

Reference	Respondent	Question	Response
		ix) Moorings Way and Eastern Avenue (Statement of Reasons [APP-022] paragraph 5.3.5 - paragraph numbering out of sequence);	<p><i>Option 1 (carriageway of Eastern Avenue, Moorings Way) Parcels 9-09, 9-10, 9-11 9-12, 9-13 (special category), 9-14, 9-15, 9-16 &amp; 9-17.</i></p> <p><i>Option 2 (Milton Common as adjacent to Moorings Way) Parcel 9-06 (special category).</i></p> <p>1. PCC considers that Option 1 is only applicable where either Option 1 or Option 2 (not Option 3 or 4) of v) above is selected. Consequently, v) &amp; vi) could be considered in tandem or merged.</p>
		x) the University of Portsmouth Langstone Campus (Statement of Reasons [APP022] paragraph 5.3.6 - paragraph numbering out of sequence);	<p><i>Option 1 (south down Furze Lane and east along Locksway Road into the car park west of the Thatched House) Parcels 9-21 (landscaping rights), 9-24 (landscaping rights), 9-25 (landscaping rights), 9-27, 10-04, 10-05, 10-06, 10-07, 10-11 (car park)</i></p> <p><i>Option 2 (through the playing fields at the east side of the University of Portsmouth Langstone Campus before continuing west along Longshore Way to the car park west of the Thatched House.) Parcels 9-18 (special category), 9-20 (special category), 9-26, 9-28, 9-29, 10-05, 10-06, 10-10, 10-11 (car park).</i></p> <p>PCC considers that the line between 10-04 and 9-29 reflects contemplation of a genuine either/or route between Option 1 and Option 2 that is not evident elsewhere.</p>
		xi) and Bransbury Park (Statement of Reasons [APP-022] paragraph 5.3.2 - paragraph numbering out of sequence).	<p><i>Option 1 (From the grassed area north-east of Kingsley Road through Yeo Court to Bransbury Park) Parcels 10-14 (Special Category), 10-19, 10-20, 10-21 (special category)</i></p> <p><i>Option 2 (From the grassed area north-east of Kingsley Road along Kingsley Road to the junction with Ironbridge Lane before turning south through the pedestrian access to Bransbury Park) Parcels 10-14 (special category), 10-15, 10-18, 10-16, 10-17, 10-20, 10-21.</i></p> <p>1. With regard to these options, it is presumed that "the grassed area north-east of Kingsley Road" relevant to Options 1 and 2 is located within parcel 10-14. A more detailed parcel allocation to denote this important work site would assist.</p> <p>2. In the case of Options 1 and 2 it is unclear to PCC why the east-west stretch of 10-20 needs to be included within the Order Limits in any case. This is because it is land that immediately adjoins Yeo Court (10-19) and the north-south passageway to Kingsley Road.</p> <p>3. In the case of Option 2, parcel 10-18 should be in PCC's view be sub-divided to reflect the short distance between 10-14 and 10-19. The same applies to parcel 10-20 between parcels 10-19 and 10-21.</p> <p>4. Parcel 10-14 (special category) should not be left open to the option of trenching by drafting analogous to the Thanet DCO Requirement 12.</p>
<b>4 - Cultural Heritage</b>			
CH1.4.4	The Applicant Historic England Relevant local authorities	For Section 1 of the Proposed Development (from ES paragraph 21.6.4.5 [APP136]), the assessment of effects on the settings of assets appears to focus exclusively on views, and relies, in some cases, on established or proposed planting to mitigate effects. Could the Applicant, Historic England and the relevant local authorities comment on the adequacy of this, or whether other factors that contribute to setting should have been considered. To what extent should the ExA and Secretary of State take established vegetation and proposed mitigation planting into account in the assessment of setting?	From a local authority perspective, the reliance on existing or proposed planting to mitigate the impacts of development be that on heritage assets or anything else is considered to be unreliable and inadequate. Proposed planting often fails notwithstanding requirements to replace within the first 5 years; and established planting unless protected by TPOs, within Conservation Areas or within PCCs ownership can similarly be removed without permission. As such from PCCs perspective the ExA and SoS should not attach much weight to established vegetation and proposed mitigation planting in the assessment of setting.

Reference	Respondent	Question	Response
<b>5 - Draft Development Consent Order</b>			
DCO1.5.9	The Applicant Local planning authorities	In Article 42 of the dDCO [APP-019], is the precision around TPOs sufficient? (TPO plans [APP-018] and Schedule 11 refer.)	<p>The plans of sites subject to TPO were provided by the LPA.</p> <p>The applicant seeks to set out exemptions to the Tree Preservation Regulations which removes any form of statutory control by Local Authorities.</p> <p>The imprecision of this article is unacceptable and fails to reflect the statutory importance of preserving protected trees. The applicant may seek to argue the need for operational flexibility justifies the "potential" removals listed in Schedule 11 or the wording of Articles 41 and 42, but without any further permission it must be assumed that art 42(1) will result in the felling of all trees if it is commercially expedient to the undertaker. There is a lack of detail with regard to the particular trees within the given TPO that may be affected.</p> <p>A phased approach (such as that seen in relation to archaeology and with particular sensitivity to site clearance works falling within Onshore Site Preparation Works) could be taken for the LPA to approve any felling or works to protected trees and confirm that other protected trees shall not be felled or worked upon (without any deeming provisions) before works commence, and any felling or works to trees following commencement should be the subject of an application to the local planning authority.</p> <p>Given the requested exemption from re-planting obligations, the oversight of the local planning authority is especially important to ensure that the undertaker is accountable for its actions in relation to trees. The apparent disregard for trees as protected public assets gives PCC serious concern about whether they retain the relevant technical skills and understanding of balancing the public interest to make appropriate decisions about works to trees. Consequently the undertaker's powers should be curtailed in this respect and their actions subject to local planning authority approval, including the ability to insist on replanting.</p>
		The Applicant seeks powers over any tree in the Order limits rather than providing a schedule (as per model provisions and as is usual in other recently made DCOs). Schedule 11 of the dDCO [APP-019] (TPO trees) only lists 'potential removal' and 'indicative works to be carried out'. How can this be specific enough to understand the impact of the Proposed Development on trees? If this remains unchanged, should the ExA in weighing the benefits and disbenefits of the Proposed Development therefore assume the loss all of the trees within the Order limits during construction and throughout the lifetime of the Proposed Development, given that 42(2)(b) of the dDCO [APP-018] removes any duty to replace lost trees?	<p>All trees to be impacted upon must be individually identified and work proposals specified in a detailed schedule.</p> <p>If this remains unchanged, the ExA must in weighing the benefits and disbenefits of the Proposed Development assume the loss all of the trees within the Order limits during construction and throughout the lifetime of the Proposed Development, given that the proposal at 42(2)(b) of the dDCO [APP-018] removes any duty to replace lost trees?</p> <p>The potential for unmitigated loss of amenity and eco system services provided by the city's trees is huge.</p> <p>The breadth of article 41 is unacceptable and displays a lack of understanding of how local authorities manage their trees, approaching the matter through a misguidedly legalistic lens. Even then, as highlighted, Schedule 11 only engages with TPO protected trees at a disappointingly high level. The applicant may seek to argue the need for operational flexibility justifies the "potential" removals listed in Schedule 11 or the wording of Articles 41 and 42, but without any further requirement to obtain permission it must be assumed that arts 41(1) and 42(1) will result in the felling of all trees if it is commercially expedient to the undertaker. In the case of 41(1) this would occur without obliging the applicant to have regard to the amenity or other value of any tree, no matter how mature or otherwise noteworthy.</p> <p>A phased approach (such as that seen in relation to archaeology and with particular sensitivity to site clearance works falling within Onshore Site Preparation Works) could be taken for the local planning authority to approve any felling or works to trees located on land in which PCC has a legal interest, and confirm precisely which trees are not intended to be felled or subject to works. Further approval from the local planning authority should be sought to confirm that other such trees shall not be felled or worked upon (without any deeming provisions) following commencement. Such approvals for non-TPO trees should empower the local planning authority to be able to enforce appropriate replacement trees.</p>

Reference	Respondent	Question	Response
			<p>Given the requested exemption from re-planting obligations, the oversight of the local planning authority is especially important to ensure that the undertaker is accountable for its actions in relation to trees. The apparent disregard for trees as protected public assets gives PCC serious concern about whether they retain the relevant technical skills and understanding of balancing the public interest to make appropriate decisions about works to trees. The undertaker's powers should be curtailed in relation to trees and subject to local planning authority approval in relation to all trees on land in which PCC has a legal interest. It is noted that the Thanet DCO, Article 34, only granted the undertaker the power to fell or lop only those trees made subject to a TPO after July 2017, being a year before the application was accepted for examination.</p>
DCO1.5.17	The Applicant Local planning authorities	<p>In dDCO [APP-019] draft Requirement 14, a Written Scheme of Investigation is needed for activities prior to commencement of works including onshore site preparation works, but the definition of 'commence' in Article 2 does not identify this exclusion. Is this satisfactory or is an amendment required?</p>	<p>Requirement 14 - Archaeology</p> <p>In our view, the drafting is adequate in the context raised by the ExA, provided that the archaeological expert is content for works (preparatory and construction) to begin guided by a scheme grounded in desktop reports only.</p> <p>Requirement 14 in Sch 2 reads, so far as material:</p> <p>"14.—  (1) No phase of the authorised development landwards of MHWS may commence until for that phase, a written scheme for the investigation of areas of archaeological interest as identified in the environmental statement has been submitted to and approved by the relevant planning authority.  (2) The term commence as used in requirement 14(1) includes any onshore site preparation works.  ... [emphases added]"</p> <p>Art 2 provides:</p> <p>"commence" means (a) in relation to any works seaward of MHWS, ... and (b) in respect of any other works comprised in the authorised development beginning to carry out any material operation, as defined in section 155 of the 2008 Act (when development begins), forming part, or carried out for the purposes, of the authorised development other than operations consisting of onshore site preparation works and the words "commencement" and "commenced" are to be construed accordingly; [emphasis added]"</p> <p>Para 1 of Sch 2 defines "phase" for the purposes of Sch 2:</p> <p>"phase" means any defined section or part of the authorised development, the extent of which is shown in a scheme submitted to the relevant planning authority pursuant to requirement 3 and which may individually or collectively include the onshore site preparation works (phases of the authorised development onshore) [emphases added]'.  Consequently, in relation to Requirement 14, sub-para (2) overrides the general position established in the Art 2 "commence" definition that operations consisting of onshore site preparation works are not "commencement" (for the purposes of Requirement 14 only). The definition of "phase" introduces some ambiguity because a "phase" may (or may not) include onshore site preparation works, so Req 14(2) asserts that no phase may commence even onshore site preparation works before the archaeological scheme has been approved.</p>

Reference	Respondent	Question	Response
			<p>Art 2 defines “onshore site preparation works”:</p> <p>“onshore site preparation works” means: (c) pre-construction archaeological investigations; (d) environmental surveys and monitoring; (e) site clearance; (f) removal of hedgerows, trees and shrubs; (g) investigations for the purpose of assessing ground conditions; (h) diversion or laying of services; (i) remedial work in respect of any contamination or adverse ground conditions; (j) receipt and erection of construction plant and equipment; (k) creation of site accesses; (l) the temporary display of site notices and advertisements; and (m) erection of temporary buildings, structures or enclosures,”</p> <p>It must follow that under Requirement 14 the approved written archaeological scheme will be by reference to desktop investigations only (as pre-construction archaeological investigations are prohibited until the written archaeological scheme is approved), but the written scheme may direct that such (potentially invasive) archaeological investigations are carried out as pre-construction archaeological investigations.</p> <p>It would be normal for a requirement of the submission for approval of a written scheme of archaeological work, and for this to be submitted and approved in writing before the commencement of the development (this allows the considerable detail of the necessary archaeological work to be set out in the WSI rather than rehearsed in the condition wording).</p> <p>In this case the WSI will also include preliminary archaeological survey (known as an evaluation) the result of which might identify archaeological mitigation works which will in their own right need to be described and agreed. This is set out in the ES paragraphs 21.8.11, 21.8.1.3 to 21.8.1.15.</p>
DCO1.5.35	Portsmouth City Council Hampshire County Council	<p>Across Articles 10, 11 and 13 (in particular) of the dDCO [APP-019], numerous provisions are made in respect of highway works. Are the Highway Authorities content with the scope and level of rights empowered to the applicant by the dDCO [APP-019]?</p> <p>Are these Articles (and the full scope of powers sought within them) necessary for the type of development proposed?</p>	<p>PCC is not content that the appropriate level of rights is empowered to the applicant by the dDCO nor that this is the appropriate mechanism to authorise and manage the works within the highway. The LHA requires that all works are carried out fully in-line with the NRSWA ‘91</p> <p>Administering roadspace bookings and control of the permit scheme is undertaken by COLAs on behalf of the council to deliver the LHA obligations under the terms of NRSWA. The LHA require that this scheme, if approved, is delivered entirely in accord with the NRSWA and operational permit scheme.</p> <p><i>Article 10 of the dDCO giving the undertaker power to permanently or temporarily alter the layout is of particular concern and this power should not be exercised without the explicit approval of the LHA and provide for “restoration as per SROH (Specification of Reinstatements and Openings of Highways).</i></p> <p><i>Article 11 gives the impression Aquind will be acting as a statutory undertaker following NRSWA and TMA specifications and SIs on their occupancy, standards and permitting, they will be required to pay permitting fee’s, are liable to FPNs and responsible for guarantee periods on their reinstatements, they would not be utilising Section 50 licenses to access and open the highway.</i></p> <p>Article 13 of dDCO does not include any provision for vehicle access to property, only pedestrians, this will impact Farlington Ave residents especially and potentially Yeo Court/Kingsley Road and should be amended accordingly</p> <p>In part, the draft DCO does not seem to make provision for the follow sections from the NRSWA:  Section 56 – Power to give direction to the timing of streetworks  Section 58 – Restriction on works following substantial highway works  Section 64 – Traffic-sensitive streets  Section 66 – Avoidance of unnecessary delay or obstruction (by undertakers)  Section 73 – Reinstatement affected by subsequent works  Section 74 – Charge for occupation of the highway where works are unreasonably prolonged</p>




Reference	Respondent	Question	Response
			<p>Section 75 – Inspection fees  Section 78 – Contributions to costs of making good long term damage  These provisions are important to allow operational control of network by the LHA and should not be disregarded.</p>
DCO1.5.40	Statutory Undertakers	Please comment on whether the suite of protective provisions written into the dDCO [APP-019] would be sufficient to ensure respective undertakers are able to meet their statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.	<p>No the draft DCO does not seem to make provision for the follow sections from the NRSWA:  Section 56 – Power to give direction to the timing of streetworks  Section 58 – Restriction on works following substantial highway works  Section 64 – Traffic-sensitive streets  Section 66 – Avoidance of unnecessary delay or obstruction (by undertakers)  Section 73 – Reinstatement affected by subsequent works  Section 74 – Charge for occupation of the highway where works are unreasonably prolonged  Section 75 – Inspection fees  Section 78 – Contributions to costs of making good long term damage  These provisions are important to allow operational control of network by the LHA and should not be disregarded</p>
DCO1.5.42	Local planning authorities	A number of Articles in the dDCO [APP-019] contain provisions deeming consent to have been granted in the absence of a response from the consenting authority. Are the local planning authorities content with the provisions and the responsibilities on them as the relevant consenting authority?	<p>No, a specific confirmation is required rather than an assumption that a deemed consent is granted in the absence of a response</p> <p>In terms of Traffic Management strategies, at this stage it is unclear how many will be submitted in what format nor from how many contractors as the scheme is implemented. If for example multiple strategies are provided for all phases of the works by different contractors coincidentally then review and response to those within 20 days will not be practically achievable.</p> <p>Relevant references are at Article 10(4), 11(4), 13(8), 14(2). Reference also to traffic authority at Article 17(7), 19(6),  In general, PCC will resist the imposition of 'deemed' consents, especially those with timescales of 20 days. It is vital that PCC along with the other consenting authorities maintain control over this process.</p> <p>The default position in the case of any deeming provisions not struck out of the DCO should be that the consent sought is deemed refused if unanswered in the given time limit.</p>
DCO1.5.44	The Applicant Relevant local planning authorities	Could the Applicant and the local planning authorities please review the definitions of 'commence' and 'onshore site preparation works' set out in Article 2(1) of the dDCO [APP-019]? A number of site preparations are listed to be excluded from the definition of commencement. Does the Applicant believe that these definitions in Article 2 of the dDCO would allow such site preparation works to be carried out in advance of the choice of Converter Station option, and the discharge of Requirements, including approval of the CEMP, the landscape and biodiversity mitigation schemes and the surface water drainage system? On what basis does the Applicant believe this is acceptable?	<p>It is not clear that the choice of the Converter Station option affects PCC directly, but Requirement 4 only purports to restrain development of Work No. 2 because the definition of "commence" excludes 'Onshore Site Preparation Works'.</p> <p>We note that under Requirement 15 "No phase of the authorised development landwards of MHWS including the onshore site preparation works may commence until a construction environmental management plan relating to that phase has been submitted to and approved". This does not appear to dovetail well with the inclusion of "(c) pre-construction archaeological investigations; (d) environmental surveys and monitoring; ... (g) investigations for the purpose of assessing ground conditions; ... (i) remedial work in respect of any contamination or adverse ground conditions;" in the definition of 'onshore site preparation works' here and in other Requirements. For Requirement 15, it actively prevents intrusive investigations as part of a CEMP, meaning only desktop investigations are permitted when drafting the CEMP. Is that acceptable or does it relegate the CEMP to a tick-box exercise? Would it build meaningfully on the 'outline onshore construction environment management plan'?</p> <p>Applied to the specific drafting of Requirement 14 on Archaeology, 14(2) runs into the general problem detailed above - no pre-construction archaeological investigations can be undertaken that involve work on-site.</p>

Reference	Respondent	Question	Response
			To illustrate the converse, Requirement 13 on Contaminated Land and Groundwater as presently drafted permits investigations that are necessary and desirable prior to commencement but simultaneously permits the laying of accesses or services (for example) that could interfere with necessary regulatory investigations and release as yet un-surveyed contaminants.
		Does the Applicant believe that the onshore site preparation works include the creation of site accesses, and, if so, would this conflict with the need for design approval of 'vehicular access, parking and circulation areas' for Works 2 and 5 in Article 6 and Requirement 10?	N/A
		The definition of 'onshore site preparation works' includes 'diversion or laying of services', while Requirement 13 (contaminated land and groundwater) does not include an exclusion from the preparation works similar to the one in Requirement 14(2). Does the Applicant believe that intrusive works such as the laying of services could be carried out on any contaminated land before a management scheme has been agreed? If so, is this acceptable?	N/A
		Should Requirement 13 include similar wording to Requirement 14(2)?	<p>Requirement 13 'Contaminated land and groundwater' does not provide that "commence" includes onshore site preparation works, so these could be carried out before a written contamination scheme is submitted under Requirement 13(1). As can be seen from the definition of "onshore site preparation works", a number of those activities could entail breaking or disturbing ground without any prior oversight of contamination matters.</p> <p>Requirement 13(3) reads:</p> <p style="padding-left: 40px;">"(3) Any scheme submitted to deal with the contamination of any land, including groundwater, within the Order limits landwards of MHWS which is likely to cause significant harm to persons or pollution of controlled waters or the environment <i>will include an investigation and assessment report</i>, prepared by a specialist consultant approved by the relevant planning authority, <i>to identify the extent of any contamination and the remedial measures to be taken</i> to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants <i>remaining on the site</i>. [emphases added]"</p> <p>It follows from Requirement 13(3) that any written contamination scheme under 13(1) will need to include site investigations and not rely upon mere desktop sources. However, it does not follow that other activities included in the "onshore site preparation works" should occur without any assessment of contamination where those activities might break or disturb ground. I note that the Thanet DCO in the context of archaeological provisions refers to "invasive" "pre-commencement works". A requirement similar to Requirement 14(2) is therefore necessary and feasible with some a definition of "invasive" or "intrusive".</p>

Reference	Respondent	Question	Response
		Also, could the Applicant provide a detailed explanation as to why each of the elements of onshore site preparations works are excluded from the definition of commence, notwithstanding any commencement control through a Construction Environment Management Plan (Explanatory Memorandum [APP-020] paragraph 5.3.2)? The response must include details of the benefits implied in paragraph 5.3.7 of the Explanatory Memorandum.	N/A
		Could the local authorities comment on whether they are agreeable to these exclusions?	PCC is concerned that the drafting of the definition of 'commencement', combined with that of 'onshore site preparation works', appears to simultaneously prohibit site investigations and operations such as the laying of accesses and services, causing ambiguity that if unaddressed could encourage the carrying out of intrusive operations with the potential to release contaminants during the onshore site preparation works before the site has been robustly assessed.
DCO1.5.57	The Applicant Relevant local authorities	Are the relevant planning and highway discharging authorities and other relevant bodies content with their roles in the discharge of Requirements? (Refer to paragraph 12.4 of the Explanatory Memorandum [APP-020].)	No we require conformity with NRSWA and the permit scheme  Whilst Condition 13 (12.4.1) makes provision that the "Undertaker may at any time maintain the authorised development", they will still require a permit granted to access the public highway as do all other SU's.  "Role"  [Requirement 16 - would PCC as LPA want to control external construction lighting in relation to sensitive wildlife in Works 4 or 5?]  [Requirement 18 - LPA will be responsible for setting times of works under the CEMP. In relation to 18(1)(b), concerning Works 4, presumably the LHA are content to give advice to the LPA while the LPA remains the formal decision-maker]  [Requirement 21 - consultation with both the LPA and the LHA]
<b>7 - Flood Risk</b>			
FR1.7.1	Portsmouth City Council	Given the schedule, nature and extent of planned improvement works to the coastal flood defences on Portsea Island, do you have any concerns that the Proposed Development could have adverse implications or threaten the effectiveness and efficiency of the works? If so, please provide specific, evidenced reasoning.	PCC does not have concerns regarding the impact on the effectiveness of the coastal flood defences, as long as the works do not directly interfere with them (i.e. go through them); they avoid the footprint where possible; or go under where they cannot avoid, as the applicant has stated.
		While the proposed HDD works pass below the coastal defences and avoid direct effects, do you believe that there is any potential for sea water to use the HDD channels and bypass the coastal defences? The ExA would encourage Portsmouth City Council to liaise with the	PCC have no real concerns in this regard – it would be similar to drainage pipework issues. As long as the ductwork is sealed, starts and ends above or behind flood defences there should be a low risk of it impacting on the flood protection.  If this is not the case suitable one way valves or seals should be provided within the duct work to prevent the HDD providing a route for flood water to enter the protected areas.

Reference	Respondent	Question	Response
		East Solent Coastal Partnership in the formulation of a response to this question.	
<b>9 - Landscape and Visual Amenity</b>			
LV1.9.10	The Applicant Portsmouth City Council	Paragraph 15.4.4.6 of ES Chapter 15 [APP-130] tells us that the Applicant and the 'landscape representative for Portsmouth City Council' agreed that no ZTV was required for the Optical Regeneration Station buildings at Fort Cumberland. Given the existence of sensitive visual receptors locally (community and historical), what was the rationale for this decision?	The rationale applied by PCC was one of proportionality. The proposed site of the ORS is readily understandable and notwithstanding the local visual receptors it was considered that the visual impact could be adequately assessed through agreeing viewpoints rather than requiring a full ZTV to be defined.
		Would the clarity of the assessment be improved by the production and presentation of wirelines for viewpoints 19 and 22 [APP-286] and [APP-289]?	Yes
		The photography prepared to represent the views of the proposed Optical Regeneration Station buildings ([APP-285] to [APP-289]) is limited to summer views only. Does this represent an accurate and adequate worst case?	PCC's summary response to the photos is set out below: 285 - Adequate representation. The trees in the middle distance (south of the site) are evergreen. However the tree in Viewpoint 18 (Right): Wireline Summer Figure 15.52 D is deciduous. 286 - The tree in Viewpoint 19: Baseline Summer Figure 15.53 A is deciduous and there would also be an element of dieback in the underlying vegetation. 287 - Viewpoint 20: Baseline Summer Figure 15.54 A, save for comments about the tree on left hand side of photo, this is adequate 288 - With regard to Viewpoint 21: Wireline Summer Figure 15.55 B, a winter view may be required as clearly the car park was well used on the day the photograph was taken and as such the parked cars partially screen the view of the proposed building. 289 - See above with regard to comments about the car-par and the deciduous tree in the middle distance, highlighted by an arrow.

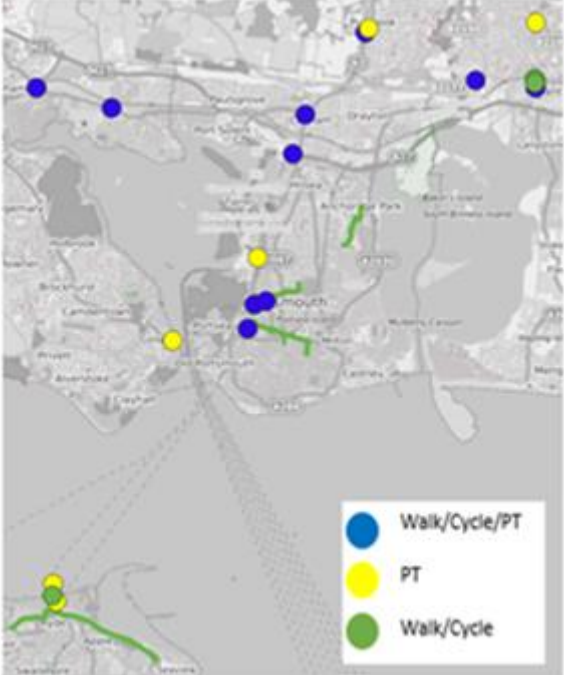
Reference	Respondent	Question	Response
			
		How do these exclusions and matters sit with the Planning Inspectorate's Scoping Opinion [APP-366] at entry ID 14.13.2?	At entry ID 4.13.2 (not 14.13.2) - PCC would agree with the Inspectorate's conclusion that: 'The Scoping Report does not contain sufficient detail regarding the spatial and temporal nature of the proposed works associated with the landfall site, or the likely scale and significance of the acknowledged temporary effects, for the Inspectorate to agree that this matter can be scoped out of the ES. The Inspectorate notes the character area information including heritage assets within close proximity to the landfall site, as described in the Scoping Report. The ES should include an assessment of landscape and seascape character effects, including heritage assets, arising from the proposed landfall works, where likely significant effects could occur.'
		Are there any relevant updates from the ongoing consultation that is being undertaken in this respect?	None that PCC is aware of.
<b>11 - Noise</b>			
N1.11.2	Relevant local authorities	Is each affected local authority content with the approach and methodology used for undertaking the construction and operational noise assessments, particularly the location of survey points at the Converter Station and Optical Regeneration Station sites relative to the identified noise-sensitive receptors?	Methodology used as given in Guidance BS-5288 Part 1 - Code of Practice for Noise and Vibration on Construction Sites. No information of noise monitoring for sensitive receptors for north of Havant Road, Farlington Avenue (start of section 5) or coming from Havant boundary in to Portsmouth City Council boundary. Insufficient information for sensitive receptors in location 6, receptors backing on to Eastern Avenue to its west and also dwellings to the east of the Order Limits on Nutborne Road and Zetland Road. Noise report states that breaking, cutting and resurfacing equipment has been excluded from the assessment. This needs to be included. More detailed assessment required for Section 8 especially outside of Harbourside caravan park.
N1.11.5	Relevant local authorities	In ES Tables 24.4 and 24.6 [APP-139], the allocation of a category for the magnitude of impact is wholly dependent on how many 'consecutive' periods would be involved. Do the local authorities believe this is an appropriate approach, or should some account be taken of the overall, total length of time (perhaps with breaks) that the noise or vibration affects a particular receptor?	The works are transient and daytime and weekend work will have a lesser impact upon sensitive receptors. A clear timescale/plan is required of the works to be carried out and the number of days in each location. Night time works for trenching and duct installation, resurfacing likely to cause a significant disturbance to sensitive receptors and possible alternative accommodation should be offered if works allowed to take place for 3 or more consecutive nights. Vibration from the equipment is not a cause of concern at the sensitive receptors.

Reference	Respondent	Question	Response
N1.11.7	The Applicant Relevant local authorities	Do you believe that the application of definitions of magnitude of impact to the noise environment as set out in Table 24.13 of the ES [APP-139] is unclear? For example, what would constitute 'a total loss' of key elements or features of the baseline? Would an alternative set of definitions be more appropriate, and if so, would the noise assessment need to be re-run?	For the purpose of determining the significance of noise and vibration effects, the sensitivity of residential receptors, hotels, educational and healthcare facilities are considered to be high (24.4.7.4). An alternative set of definitions is set out in the Noise Policy Statement for England with which the ExA will be familiar. This provides the following measures of impact: NOEL – No Observed Effect Level This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise. LOAEL – Lowest Observed Adverse Effect Level This is the level above which adverse effects on health and quality of life can be detected. SOAEL – Significant Observed Adverse Effect Level This is the level above which significant adverse effects on health and quality of life occur. PCC would support the use of this as a measure and we consider in the circumstances it would assist the ExA if the assessment was re-run and the NPSE used.
N1.11.8	Portsmouth City Council	Does Portsmouth City Council consider the limited baseline noise monitoring data set out at ES 24.5.1.25 [APP-139] sufficient to set criteria for the operational noise associated with the Optical Regeneration Station?	No noise information has been provided for an Optical Regeneration Station. The Converter Station is not within PCC district and the information for noise and vibration only relates to the laying of cables within PCC district.
N1.11.10	The Applicant Relevant local authorities	For all of the impact assessment sections that follow ES paragraph 24.6.1.14 in Chapter 24 [APP-139], in converting the noise level magnitudes to impacts, allowance is made for the temporary nature of the effect, thus ameliorating the severity (from 'medium' to 'low' in 24.6.2.2, for example). However, does not the methodology adopted for the assessment already build duration into the calculation of magnitude (e.g. 24.4.2.36), and thus is there not an element of 'double-counting' of duration in reducing the severity of effects? If so, what are the implications of this for the assessment findings? For example, if trenching impacts for section 4 were recalculated without the 'double-counting', would these become significant (ES 26.4.5.3 ff)?	The ABC Methodology in BS-5288 Part 1 - Code of Practice for Noise and Vibration on Construction Sites this specifies noise limits for the threshold of noise where it would be a significant disturbance and the noise from the construction works should not exceed these levels at the sensitive receptors. These levels do not take into consideration transient noise. The noise report gives a baseline for noise levels without the construction and then predictions would have been made using noise levels in BS5288 of the equipment to be used to see if the noise level during the construction phase was higher than the given levels in BS5288 in relation to disturbance and significantly higher than the levels without construction. The magnitudes is a descriptive way of describing the impacts of the noise rather than showing the numerical values in decibels so therefore not double counting it.

Reference	Respondent	Question	Response
<b>13 - Planning Policy</b>			
PP1.13.1	Local Planning Authorities	Could each of the local planning authorities please provide comments and any updates in relation to the Applicant's summary of the Development Plan position, including any emerging plans and plan documents. (The Planning Statement Appendix 4 [APP-112] refers.)	<p>In respect of the summary for the Portsmouth City Council area, the Hampshire Minerals and Waste Plan (HMWP) (2013) also forms part of the development plan for the area. This is recognised in section 1.71, where the proximity of the proposed Onshore Cable Corridor to a safeguarded mineral importation site (Kendalls Wharf) is also noted. However the proposed cable corridor also crosses two safeguarded mineral resource areas: superficial Sand and Gravel around Milton Common and Brick Clay in the coastal area adjacent to Burfields Road. These resources are protected under Policy 15 of the HMWP to prevent their needless sterilisation by other non-minerals development in order to secure the future long term supply of minerals.</p> <p>Seafront Masterplan Supplementary Planning Document 2013 (section 1.5.4); a 'final draft' of the revised masterplan is currently being consulted on; consultation closes on 30<sup>th</sup> October 2020. The intention is to adopt the new SPD in late 2020/ early 2021.</p> <p>Consultation on a revised Parking Strategy and Parking SPD is also expected to be carried out in the Autumn of 2020.</p>
<b>16 - Traffic and Transport</b>			
TT1.16.3	The Applicant Local planning authorities	With reference to paragraphs 22.2.3.10 to 22.2.3.39 of Chapter 22 of the ES [APP-137], are there any pertinent updates in respect of the local planning policy framework?	<p>Whilst we are working on a new Local Transport Plan, it is not yet under full consultation and can be given little weight at this stage.</p> <p>Update for para. 22.2.3.15. The new Local Plan for Portsmouth, for a 2020 - 2038 plan period, is being prepared in accordance with the timetable in <a href="#">Local Development Scheme</a>, updated in August 2020. It is envisaged that a further Regulation 18 draft Local Plan will be published for consultation early in 2021, to be followed by a Regulation 19 Publication Draft in Spring / Summer 2021 and a submission draft (Regulation 22) plan in Autumn 2021. Adoption of the new plan is envisaged for the Summer of 2022. The current timetable may be affected by changes to national planning policy.</p> <p>In addition whilst not related to the planning policy framework PCC would also mention the following: A NRSWA permit scheme was introduced in August and it is PCC's position that its provisions should be applied to these DCO works and not modified or removed.</p> <p>The public consultation for the Clean Air Zone (CAZ) was conducted between 15<sup>th</sup> July – 26<sup>th</sup> Aug 2020. The results of the consultation are being considered as part of the final business case to be submitted late 2020.</p>
TT1.16.9	Local planning authorities Highway authorities	Are the baseline traffic surveys set out in the Transport Assessment sufficient (Appendix 22.1: sections 1.5.3 for the Converter Station; 1.5.4 for the onshore cable corridor; and 1.5.5 for the routes that may be affected by traffic redistribution in the wider transport network) [APP-448], or is there a need for data from a wider spread of months to present a more representative view and to take account of festivals and events?	<p>The DfT specify that traffic data collection should be on a "neutral day" - which is a weekday between March-October. The data collected by the applicant fits this. The dates given are "June" or "July", it is therefore presumed that the latter was prior to school holidays.</p> <p>In Portsmouth, based upon the FTMS, works to the A2030 Eastern Road are scheduled to only take place in the Jun-Aug period and as such, the counts are probably most relevant for this. What isn't fully clear is whether the applicant has fully understood the difference in traffic patterns between weekday/weekends - provided they stick to their FTMS strategy, the football season should be largely irrelevant.</p> <p>Whether the development can be implemented in this timeframe is a moot point but will be influenced largely through routing which remains to be confirmed.</p>

Reference	Respondent	Question	Response
TT1.16.16	Portsmouth City Council	In your Relevant Representation [RR-185], you state planned works on traffic sensitive routes are only allowed during off-peak hours and the City also operates works embargoes. Could you set out how the route and timing of the Proposed Development would be affected by these embargoes, and whether any such restrictions are reflected in the ES ([APP-137] and [APP-449])?	<p>Where the cable route is located on traffic sensitive routes (in this case principally Eastern Road) there will be limited scope to undertake work during the day (when working in peak periods is prohibited) and where that will conflict with specific events. It will be required that any trenches opened in carriageways are located in the first third of lane 1 and traffic management pulled close to the excavation to retain two way working during peak periods. This is a matter that has not been properly considered as the applicant has sought to defer such details to a post consent CTMP.</p> <p>Furthermore we have a seasonal works directional period on the mapped routes from the 7<sup>th</sup> December through to the 5<sup>th</sup> January, only essential works should be undertaken on the routes in the time period.</p> <p>Exemptions to work embargo periods will be considered on a case by case basis and may be permitted where prevention of work would not practically restrict capacity but would prolong the period of works.</p>
TT1.16.26	Portsmouth City Council	Your Relevant Representation [RR-185] suggests that reliance on the agreement of tailored Construction Traffic Management Plans post-consent is unacceptable as the impacts of the Proposed Development should be understood in advance of consent. Please explain the approach that would normally be expected for projects such as this and detail any additional information you would like to see included in the Framework Construction Traffic Management Plan.	<p>Whilst there will need to be some arrangements which will have to be reserved pending a detailed CTMP at this stage even basic information such as the final cable route, how many contractor compounds there might be and where they will be remains to be confirmed. These fundamental principles together with working hours and traffic routing should be established in the framework CTMP with details such as specific signing arrangements for works to be confirmed after approval.</p> <p>It would seem that no early contractor involvement has been carried out to date to understand how a future contractor might look to construct the cable route, whether the phasing set out in the CTMP and FTMS is realistic/achievable, whether the numbers of staff on site is realistic and how it will be ensured they access the site sustainably (it is proposed that workers are shuttled to site) - similarly how/where will contractors park to be collected by a shuttle service.</p> <p>2.3.3 Suggests a permanent access for the ORS building, yet no details have been submitted for this.</p>



Reference	Respondent	Question	Response
TT1.16.32	Portsmouth City Council	<p>Please give further details of the bid to the 'Transforming Cities Fund' and the programme of works anticipated to take place up until 2023, including any decision made in March 2020 (as alluded to in [RR-185]). Is the Council able to submit into the Examination any maps or diagrams to show which parts of the City could be affected by the South East Hampshire Rapid Transit system?</p> <p>How would the Proposed Development impact on the proposed programme of works associated with the bid to the 'Transforming Cities Fund', if it was successful?</p>	<p>The cable route options do not directly interfere with any schemes within the Portsmouth highway network however I believe there is potential conflict along the A3 with one or more of the schemes promoted by HCC as part of the bid. The residual impacts of the diverted traffic will potentially be exacerbated by works at some key junctions on the diversionary routes, within Portsmouth these include the roundabout junction at Spur Road/Northern Road, Portsbridge Roundabout (A2047/A27/A397) and the Rudmore Roundabout (A3/M275). The delivery period remains the same, concluding March 2023 and PCC would be happy to share versions of project programmes as they become available. A map showing the locations of schemes included in the bid is reproduced below.</p> 
<b>17 - Trees</b>			
TR1.17.1	The Applicant	<p>What is the effect of Portsmouth City Council's stated policy not to apply TPOs to qualifying trees in its guardianship, as set out in the Council's Relevant Representation [RR-185]? (See Schedule 11 of the dDCO [APP-019].) Has any progress been made towards an agreement with Portsmouth City Council over how this matter can be accommodated in the assessment and the dDCO?</p>	<p>Local planning authorities may make Orders in relation to land that they own. However trees on Local Authority land are generally considered to be under good arboriculture management and are less likely to be under pressure from development as their retention and management is undertaken to improve the amenity value of public open space for the populace.</p> <p>No progress has been made and no approach has been received in order to address this.</p> <p>The effect of PCC's stated policy is that the dDCO has a significant blind-spot in relation to the impact on trees. Although this matter was flagged with the applicant well in advance of the examination period, no progress has been made to assess the precise trees that are likely to be affected. This experience resonates with the applicant's general response that much of the detail of the scheme is to be deferred until a contractor is appointed after the DCO has been made.</p>

Reference	Respondent	Question	Response
TR1.17.3	The Applicant Relevant local authorities	The Government places importance on 'street trees' in the National Design Guide for the benefit of place making. Is the Applicant's approach to the identification, retention, protection, mitigation of impacts and compensation for any losses of such trees sufficiently unambiguous and is it appropriate? Could the Applicant please comment in detail on how the 'potential removal' of the TPO trees listed in dDCO [APP-019] Schedule 11 would be avoided.	<p>As set out in the National Design Guide, A well-designed movement network defines a clear pattern of streets that (inter alia): incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity.</p> <p>Further, in paragraph 89, 'Utilities services and infrastructure include water supply, sewerage, drainage, gas, electricity, full fibre broadband, digital infrastructure and telephones. Their siting and layout take into account:</p> <ul style="list-style-type: none"> <li>• their space requirements and visual impact;</li> <li>• convenient maintenance while not impeding the planting of street trees; and</li> <li>• implications for foreseeable future changes in demand.</li> </ul> <p>There is no approach to the identification, retention, protection, mitigation of impacts and compensation for any losses of such trees within the limits of the draft DCO only unnecessary damage is taken into account.</p> <p>In respect of TPO trees the condition ' the duty contained in section 206(1) of the 1990 Act (replacement of trees) shall not apply.' has been inserted. The potential impact in terms of amenity and eco system services as a result of this is therefore potentially significant and highly detrimental.</p> <p>PCC considers that the applicant's approach to trees is not appropriate.</p> <p>The approach to date is wholly inadequate as rehearsed in questions DCO1.5.9 and TR1.17.1. No methodology for calculating damages for loss of trees or hedgerows has been proposed. 41(2) needs to clarify that any damage or loss of trees will be compensated, not merely any damage that is "unnecessary" in the reasonable belief of the undertaker.</p>